

# **LOUISVILLE METRO CRIMINAL JUSTICE COMMISSION MEETING SUMMARY**

**Wednesday, August 17, 2016**

**Members Present:** Judge David Bowles, Chair; D. Scott Furkin, Vice-Chair; Sheriff John Aubrey; Rashaad Abdur-Rahman; Kathy Bingham; Tara Boh Blair; Mark Bolton; Colonel Mike Sullivan (designee for Chief Steve Conrad); Jay Davidson; Dan Goyette; Carla Kreitman; Libby Mills; David Nicholson; Susan Ely (designee for Mike O'Connell); Lisa Lee Williams; and Tom Wine.

**Guests Present:** Jim Burch; Jessie Halladay; Kevin Smalley; Ginny Lee; Eric Troutman; and Erwin Roberts.

**Staff Present:** Kim Allen, Jamie Allen, Faith Augustine, and Maria Gurren.

## **I. Welcome/Call to Order**

Judge David Bowles, Chair, called the meeting to order and welcomed those in attendance. Members were asked to introduce themselves.

## **II. Approval of the June 22, 2016 Meeting Summary**

The June 22, 2016 meeting summary was unanimously approved as submitted.

## **III. Chair Report**

Judge Bowles reported that the MCJC Annual Stakeholder Survey to assess the services and work of the Board and staff was distributed electronically on Thursday, August 11th. The deadline to submit responses is Tuesday, August 23rd, and he encouraged everyone to respond if possible. He noted that a draft copy of the updated MCJC Board Strategic Priorities was included in the meeting packet for review. Kim added that because of delays experienced based on transition in staffing, the annual survey and Board Strategic Priorities will now reflect the Fiscal Year instead of Calendar Year. The Fiscal Year time period better aligns with Metro Strategic Planning as well as the budget process. She asked members to review the draft priorities prior to the October meeting so they can be discussed and approved at that time.

Judge Bowles recognized Tara Boh Blair, Pretrial Services, and thanked her for attending the meeting. He noted that Kentucky Pretrial Services is the premier pretrial program in the country with its data-driven approach and use of the PSA-Court risk assessment. Tara has been instrumental in assisting the Jail Policy Committee by providing background data and information.

Judge Bowles announced that the Legislative Committee will meet on August 31<sup>st</sup> at 2:00 p.m. at the Louisville Bar Association. He reminded members to forward any ideas for legislative proposal/endorsements for the 2017 session to staff by Friday, August 19<sup>th</sup>.

#### **IV. Presentations:**

##### **Comprehensive Assessment and Transition Program (CATP)**

Jim Burch, Seven Counties Services, Inc.

Judge Bowles introduced Jim Burch, Seven Counties Services, Inc., and asked him to provide a report on the Comprehensive Assessment and Transition Program (CATP). Jim Burch reminded members that Seven Counties Services has been providing diversion services for justice-involved population for 27 years. He reported that in December 2015, Seven Counties Services joined the Health Justice Learning Collaborative. The partnerships between community behavioral health organizations and jails allow individuals with behavioral health needs entering the community to receive necessary treatment services, care management, care coordination and patient and family support. The partnership requires a close working relationship between community behavioral health and corrections staff, rapid access to care as part of a comprehensive crisis prevention strategy, and ongoing continuing education on screening and treatment best practices. To strengthen the partnership, LMDC is now providing office space for SCS case managers in the jail in order to better serve those incarcerated. The Health Justice Learning Collaborative is a 12-month customized technical assistance and training initiative offered by the National Council for Behavioral Health. Supported by the Open Society Foundation, the Health Justice Learning Collaborative is offered at no cost to participating organizations, which also receive a \$2,500 honorarium to participate. Participation in the collaborative will strengthen existing partnerships with law enforcement by learning how care coordination works, identifying barriers to accessing care, and strategizing how to overcome these barriers and implement change.

Jim reported that CATP is a grant-funded project that was implemented July 1<sup>st</sup> in Jefferson County. CATP is a two-year, \$600,000 project, funded by the Bureau of Justice Assistance, Second Chance Act Reentry Program for Adults with Co-Occurring Substance Abuse and Mental Disorders. Seven Counties Services, Inc. is the identified community provider based on success in providing diversion services for adults with serious mental illness over the past 27 years. CATP will serve approximately 80 individuals over the course of the next two years. The program involves a collaboration between the Louisville Metro Department of Corrections, Seven Counties Services, Inc., justice system stakeholders and various community-based treatment and service providers. There will be an extensive evaluation of the project based upon pre-identified outcome measures. The CATP will target inmates who meet the following eligibility criteria:

- 18 years or older
- Resident of Jefferson County
- Documented mental illness and co-occurring substance use disorder
- Moderate to high criminogenic risk score based on the Level of Service Inventory – Revised (LSI-R)
- Currently incarcerated in Louisville Metro Department of Corrections

The CATP team will consist of the Seven Counties Court Liaison, a therapist, two case managers, and two peer support specialists. The project will work closely with the courts, LMDC, and various community based providers to assess, admit, monitor,

intervene and transition participants back to the community. A “warm hand-off” to services and housing will be provided upon release from jail along with comprehensive monitoring for up to one year in an attempt to enhance compliance and reduce recidivism.

Jim noted that inmates who qualify for the CATP program will receive evidence-based treatment modalities individualized to their specific needs. Participants will receive 600 hours of treatment in a one-year-period. All participants will receive a mental health and substance abuse assessment prior to release from jail using the LSI-R and short term case management during the period of incarceration. Program participants will receive intensive individual and group therapy that addresses criminal behavior, trauma, substance abuse and mental health issues in an integrated fashion; assistance with housing location and landlord advocacy; placement in appropriate housing or treatment; medication management and medically-assisted treatment for addiction; peer support services; referral to Vocational Rehabilitation or educational services if needed; CATP oversight for greater stability and reduction of recidivism; forensic advocacy with courts, hospitals, landlords, police and supervision agents to coordinate efforts and re-engage participants as needed; and participation in an extensive evaluation based upon pre-identified outcome measures.

Judge Bowles cited the F2ACT program operated by the Louisville Metro Department of Corrections Department and asked if CATP will collaborate with the LMDC staff administering F2ACT. Jim noted that SCS and LMDC staff have successfully collaborated on existing programs but having SCS case managers working inside the jail will strengthen the partnerships. He noted that SCS staff has been working with Mane` Martirosyan and the F2ACT program since its inception and will continue to do so moving forward. In fact, many of the referrals for the CATP program will come directly from LMDC staff. Mark Bolton offered to share F2ACT outcome data with Commission members at the next meeting. Jim Burch reported that the Second Chance Reentry Grant program permits funding to be used to provide services for offenders with a violent criminal history so CATP will reach a broader population. He called attention to the “CATP Fact Sheet” in the meeting packet and highlighted the list of eligible offenses.

In response to a question from Rashaad Abdur-Rahman regarding the target population, Jim Burch advised that he would anticipate opiate and heroin users to be accepted into the program. Program criteria allow for offenders with misdemeanor narcotics charges to participate. In terms of evaluating project outcomes, Rashaad encouraged Jim Burch to incorporate measures through the lenses of race and ethnicity. Susan Ely noted that SCS recently presented an overview of the CATP to the County Attorney’s Office, and it was her understanding that this was not a “diversion” program, but rather for offenders that may have six to eight arrests with conditional discharge time or probated time, and by agreeing to participate in this program the offender would be given another opportunity to receive treatment and a three month pass date. Jim agreed with Susan, and explained that he was referring to “diversion” generally rather than in legal terms. He also agreed that scheduling a court date assists with motivating and encouraging offenders to change their behavior.

Kim mentioned that in 1989 when the Community Treatment Alternatives Program (CTAP) was launched, it was designed as a post-booking diversion option. Over the years, the continuum of services has evolved beyond post-booking diversion to include a range of in-jail and pre-release options. Most recently, the focus has been on developing pre-arrest diversion options. Mark Bolton reiterated that partnerships have strengthened and that SCS, LMDC, the Social Workers in the Public Defender's Office, and law enforcement are all working together and are seeing positive outcomes. In response to a question from Charlie Baker, Jim Burch noted that employment assistance is provided to participants.

## **V. Legislative Updates:**

### **Criminal Justice Policy Assessment Council (CJPAC)**

Jessie Halladay, Senior Policy Advisor, Kentucky Justice & Public Safety Cabinet

Judge Bowles introduced Jessie Halladay, and asked her to provide an update on the work of the Criminal Justice Policy Assessment Council (CJPAC). Jessie reminded members that the CJPAC was formed in June by Governor Bevin. The membership of CJPAC represents a balanced group that consists of 23 individuals from a number of criminal justice stakeholder organizations. The Council has met three times and to date, has received presentations regarding offender reentry. She noted that at yesterday's meeting, seven work groups were formed including Reentry, Probation and Parole, Penal Code, Recidivism Reduction, Jail Reform, Drug Policy, and Prevention. Each work group has three members, except the Penal Code Work Group has four members. Each work group has been asked to identify two problems along with possible solutions. The CJPAC's next meeting is scheduled for September 16<sup>th</sup>, and data regarding the impact of HB 463 will be presented. She reported that HB 463 as well as the implementation of the bill was not perfect, and the outcome data and challenges will be discussed on the 16<sup>th</sup>. She added that many positive results have come from the passage and implementation of HB 463, for example there has been a 400-day decrease for those in prison for drug offenses, but noted that recidivism has increased for those with technical violations.

Jessie advised that the Governor is interested in reform, and she anticipates that CJPAC will look for ways to tweak HB 463 and the Persistent Felony Offender statute as well as focus on penal code reform. She noted that penal code reform will obviously take longer than six months, but suggested that the work group may be able to tackle sections of it at a time. She highlighted the fact that several members of the CJPAC are from Louisville, but encouraged anyone interested to attend the meetings and to be added as an interested party on the email list. She also encouraged the MCJC Legislative Committee to offer possible legislative changes/revisions to the CJPAC. The CJPAC likely will propose one comprehensive bill in the 2017 session, but the bill may not be ready to be filed until the session is well underway. She added that the work groups may reach out to CJC members for data and information. She encouraged members to send information on programs, policies, or data to inform the CJPAC. In response to a question from Kim Allen, Jessie indicated that the CJPAC is meeting every two weeks from September 16<sup>th</sup> through the end of November. The work groups are self-directed and meeting on an as-needed basis. Since it is not a budget year, existing resources may need to be realigned to fund new initiatives or initiatives may

have to wait until the 2018 session. She reported that there are seven members on the drafting committee, including the two Judiciary Chairs. In response to a question from Dan Goyette, Jessie reported that the previous work on the Penal Code is being reviewed and she gave a copy of the Final Report to Damon Thayer yesterday. She mentioned two items that have already been suggested including providing State Identification Cards when an individual is released from prison, and a licensure board issue as it pertains to attaining a barber license.

In response to a question regarding whether the CJPAC will consider the American Bar Association recommendations regarding the death penalty, Jessie indicated that it is not clear if the CJPAC will address the issue or if it will go through the standard legislative process. She noted that medical marijuana is another topic that may go through the standard process instead of through the CJPAC. Kim asked if the CJPAC will consider the Restoration of Voting Rights and Jessie indicated that the Reentry Committee may take on that issue. Judge Bowles thanked Jessie for attending, and noted that the MCJC would like to invite Secretary Tilley to a future meeting.

### **MCJC Legislative Committee**

Scott Furkin, Chair

Scott Furkin noted that the first meeting of the Legislative Committee is scheduled for August 31st at 2:00 p.m. at the Louisville Bar Association. The Committee is scheduled to meet each Wednesday from August 31<sup>st</sup> through September 28<sup>th</sup> from 2:00p.m. to 3:00p.m. at the Louisville Bar Association. If there is no business to address, then the meeting will be cancelled. He reminded members to forward any ideas for legislative proposal/endorsements for the 2017 session to staff by Friday, August 19<sup>th</sup>.

## **VI. Committee Reports/Updates**

### **a. Innovative Communities/Data-Driven Initiative – Kim Allen**

Kim Allen reminded members that the Criminal Justice Commission is participating in the Innovative Communities Data-Driven Justice (DDJ) Initiative sponsored by the White House. The initiative provides a national network for sharing information on data exchanges and creative local approaches that target the needs of high system utilizers and individuals detained on a pretrial basis due to inability to make bail. As a part of Louisville Metro's participation, Kim reported that the Dual Diagnosis Cross-Functional Team (DDCFT) has been asked to contribute information to the "playbook" of best practices and creative local approaches being developed to divert low-level offenders away from the criminal justice system. The DDCFT may be highlighted for pursuing innovative and systemic solutions based on information sharing to coordinate and deliver care to "familiar faces" with co-occurring mental health and substance abuse disorders. She noted that the Data-Driven Initiative also is developing a listing of federal resources including grant programs and technical assistance that can be used by jurisdictions. It is anticipated that this initiative will transition to the National Association of Counties (NACo) as the outgoing administration leaves office.

**b. National Study of Frequent Utilizers/LJAF/CUNY Institute for State and Local Governance – Kim Allen**

Kim reported that the MCJC, on behalf of the DDCFT, submitted a letter of interest to participate in a national study of frequent utilizers who cycle through the criminal justice, healthcare, and social service systems. With support from the Laura and John Arnold Foundation, the Institute for State and Local Governance will select jurisdictions willing to share data on this population, participate in key informant interviews/focus groups, and attend a national meeting in the fall of 2016. Jurisdictions who participate will be engaged in a multi-site conversation regarding the issue, receive a site-specific assessment of the local frequent utilizer population, and an overview of current best practices responding to the problem across jurisdictions.

**VII. Old Business/New Business**

Judge Bowles asked Maria Gurren to provide an update on the Juvenile Justice Advisory Committee (JJAC). Maria reported that all subcommittees of the JJAC have met and are working on action items. The Alternatives to Detention (ATD) Subcommittee is conducting analysis of the current use of ATDs and the Case Processing Subcommittee is investigating strategies to reduce case processing time. The Data Subcommittee, which has been the primary focus of the JJAC, is working to identify data to be collected on an ongoing basis across juvenile justice agencies and establish processes for information sharing. Analysis of data related to all youth charged in 2014 is being conducted by Libby Mills, Data Subcommittee Chair, and members anticipate that a great deal of information and insight will come from this effort. Maria reported that she and the State Juvenile Detention Alternative Initiative (JDAI) Coordinator presented to the Juvenile Justice Oversight Council (JJOC) at their July meeting on the eight core strategies of JDAI and the work being done in the three pilot sites -- Jefferson, Fayette and Campbell Counties. Much of the conversation that followed focused on the issue of disproportionality in Jefferson County specifically and the JJOC has requested that potential DMC solutions be presented from local and state agencies at their next meeting on September 19<sup>th</sup>. The JJAC will be discussing its potential role in this presentation at the Executive Committee meeting tomorrow.

Maria informed the Commission of several upcoming events including the JDAI Alternatives to Detention Conference August 25<sup>th</sup> and 26<sup>th</sup> in Louisville which will feature several local and national presenters including a 3<sup>rd</sup> Gear Policing Presentation that may provide potential resources for the Civil Citation Pilot Program. The first Civil Citation Workgroup Meeting has been scheduled for the first week of September. The Administrative Office of the Courts is hosting an Implicit Bias Training in Louisville on September 8<sup>th</sup> and the Subcommittee on Equity and Justice for All Youth is hosting a Racial and Ethnic Disparities Training in Hardin County on September 13<sup>th</sup> and 14<sup>th</sup>.

**VIII. Adjourn/Next Meeting: *October 19, 2016 at 2:00 p.m.***

With no further business to address, the meeting was adjourned. The next meeting of the Commission Board will be held on Wednesday, October 19, 2016 at 2:00 p.m. in the 6th Floor, Crown Room, Judicial Center.